HON'BLE SRI JUSTSICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 25647 of 2007

03.12.2007

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Between:

Mohd. Anwar

… Petitioner

AND

Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner, Hyderabad
& others

… Respondents

Counsel for the petitioner : Sri Mohd. Zia-Ul-Haque

Counsel for respondent Nos. 1 and 2 : Smt. Kalpana Ekbote

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not initiating the proceedings for acquiring the petitioner's land under the provisions of Section 147 of the Hyderabad Municipalities Act, 1955 (for short, 'the Act') as illegal and arbitrary.

The only grievance of the petitioner is that respondent Nos. 1 and 2 are seeking to take over his property, namely; house bearing No.6-3-699 situated at Punjagutta, Hyderabad without initiating the proceedings under Section 147 of the Act, as evident from letter dated 12.11.2007 issued by the Town Planning Section of respondent No.1-Corporation.

At the hearing, the learned counsel for the petitioner submitted that as the petitioner is not willing to part with his property by consent, as envisaged under Section 146 of the Act, the only alternative available to the respondents, if they seek to acquire the property, is to follow the procedure envisaged under Section 147 of the Act.

Smt. Kalpana Ekbote, learned Standing Counsel for respondent Nos. 1 and 2 submitted that if the petitioner is not willing to give his consent, as sought for under letter dated 12.11.2007, respondent Nos. 1 and 2 will not forcibly dispossess him, without initiating proceedings under Section 147 of the Act.

In view of the statement made by the learned Standing Counsel, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No. 33420 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

03.12.2007
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